

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
Proceeding Memorandum/Order

In Re: Amorello, Peter L.

Case Number: 05-60025-JRS

Chapter: 7

MOVANT/APPLICANT/PARTIES

[2] Certificate of Credit Counseling

COURT ACTION:

Show Cause Order Released Enforced

Granted Approved Moot

Denied Denied without Prejudice

Withdrawn in Open Court

Sustained Overruled

Continued to: _____

Proposed Order to be Submitted by: _____

Stipulation to be Submitted by: _____

Taken Under Advisement

DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

At the hearing on the within Certificate Debtor's counsel acknowledged that although Debtor was disabled, he was able to participate by telephone in a briefing required by 11 U.S.C. §109(h)(1). Counsel was given 15 days to file any memo of law or affidavit concerning §109 - none has been filed. As the Debtor has not demonstrated "exigent circumstances" and "unavailability" of counseling, both as required under 11 U.S.C. §109(h)(3), the Court has no choice but to dismiss this case. Case DISMISSED.

SO ORDERED:

Joel B. Rosenthal
Joel B. Rosenthal

Dated: 12/20/05